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Patent Number

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Application No. (If known): 10/614391 Attorney Docket No.: 110275.128 US1

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Fax Cover Sheet to USPTO (1 page)
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Docket No.: 110275.128 US1 PATENT/OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	
Rodney E. Massie et al.	:	
Serial No. 10/614,391	:	Group Art Unit: 2683
Filed: July 8, 2003	:	Examiner: Chuck Huynh

For: SYSTEM AND METHOD OF QUERYING A DEVICE, CHECKING DEVICE ROAMING HISTORY AND/OR OBTAINING DEVICE MODEM STATISTICS WHEN DEVICE IS WITHIN A HOME NETWORK AND/OR COMPLEMENTARY NETWORK

RESPONSE TO EXAMINER'S REASONS FOR ALLOWANCE

Honorable Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicants substantially agree with the Examiner's reasons for allowance in the Office Action, subject to the comments herein. Applicants would like to emphasize, and assume that the Examiner intended to so state, that the combination of elements in each of the allowed claims, independent and dependent, are patentably distinguishable over the prior art when each claim is interpreted as a whole.

Applicants provide no opinion with respect to interpreting the references cited by the Examiner, and therefore, does not concede to the Examiner's interpretation of same, as permitted under 37 C.F.R. Section 1.104(e), particularly since the Examiner does not respond to an Applicant's Response to Reasons for Allowance. Applicants would like to clarify that the only interpretation that Applicants will accept or agrees with is the interpretation that one of ordinary

skill in the art would understand from the prior art references.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples Applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, Applicants assert that it is the combination of elements recited in each of the claims, when each claim is interpreted as a whole, which is patentable. Applicants have emphasized certain features in the claims as clearly not present in the cited references, as discussed above. However, Applicants do not concede that other features in the claims are found in the prior art. Rather, for the sake of simplicity, Applicants are providing examples of why the claims described above are distinguishable over the cited prior art.

Applicants wish to clarify for the record, if necessary, that the claims have been amended to expedite prosecution. Moreover, Applicants reserve the right to pursue the original subject matter recited in the present claims in a continuation application.

Further, Applicants hereby retract any arguments and/or statements made during prosecution that were rejected by the Examiner during prosecution and/or that were unnecessary to obtain allowance, and only maintains the arguments that persuaded the Examiner with respect to the allowability of the patent claims, as one of ordinary skill would understand from a review of the prosecution history. That is, Applicants specifically retract statements that one of ordinary skill would recognize from reading the file history were not necessary, not used and/or were rejected by the Examiner in allowing the patent application.

Any narrowing amendments made to the claims in the present Amendment are not to be construed as a surrender of any subject matter between the original claims and the present claims; rather merely Applicants' best attempt at providing one or more definitions of what the

Applicants believe to be suitable patent protection. In addition, the present claims provide the intended scope of protection that Applicants are seeking for this application. Therefore, no estoppel should be presumed, and Applicants' claims are intended to include a scope of protection under the Doctrine of Equivalents.

Respectfully submitted,

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